

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>RONALD GOODE,</b>	:	<b>CIVIL ACTION NO. 1:04-CV-0993</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>MR. WARDEN JOHN NASH, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 3rd day of March, 2006, upon consideration of the report of the magistrate judge (Doc. 28), recommending the granting of defendants' motion (Doc. 23) to dismiss and for summary judgment, see FED. R. CIV. P. 56(c) (stating that summary judgment is appropriate when the evidence demonstrates "that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law"), to which no objections were filed, and following an independent review of the record, it appearing that plaintiff did not file a brief in response to the motion, see L.R. 7.6 ("Any respondent who fails to [file a brief in opposition to a motion] shall be deemed not to oppose such motion), and that plaintiff did not file a counter-statement of material facts, see id. 56.1 ("All material facts set forth in the statement . . . by the moving party will be deemed to be admitted unless controverted by the . . . opposing party."), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 28) is ADOPTED.
2. The motion (Doc. 28) to dismiss and for summary judgment is GRANTED. See FED. R. CIV. P. 56.
3. The Clerk of Court is directed to enter JUDGMENT against plaintiff and in favor of defendants.
4. The Clerk of Court is directed to CLOSE this case.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge